

MONTANA LEGISLATIVE HISTORY

Chapter 183 19 71

Bill H _____ S 244 Original bill & history ____C

H. Committee on Affairs of Cities

Hearing Date(s) Feb 12 ☒ C

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Date Out _____ C

S. Committee on Local Govts

Hearing Date(s) Jan 26 ☒ C

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Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

January 26, 1971
Fifth meeting

SB 244

Senator Lowe was called on to present SB 244: (A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A CITY OR TOWN SHALL NOT CIRCUMVENT ANY COMPETITIVE BIDDING PROCEDURES WITH RESPECT TO THE LETTING OF A CONTRACT FOR A PUBLIC WORK OR CONSTRUCTION PROJECT UNDER CERTAIN CIRCUMSTANCES BY DIVIDING A PUBLIC WORK OR CONSTRUCTION PROJECT INTO SEVERAL CONTRACTS, SEPARATE WORK ORDERS OR SIMILAR DEVICES.")

Discussion of SB 244 brought out the opinions that practices are being used around the state in some contracting jobs, such as bids being let on large projects a small portion at a time. It was also brought out that sometimes a project is completed but the project is leased then purchased at a later date.

Mr. Aubel, mayor of Glendive, clarified the understanding of the bill by stating that this pertained to contracts only and not to purchasing. Senator Lowe also stated that this is in regard to construction projects primarily.

SB 245

The same as SB 244 but pertains to counties.

DISMISSAL

The people testifying as proponents and opponents to the considered bills were dismissed and thanked for their information.

SB 244

Senator Lowe moved that after due consideration by the committee that SB 244 "Do Pass". Motion was seconded by Senator Bertsche. The motion carried.

Senator Lowe moved that after due consideration by the committee that SB 245 "do Pass". The motion was seconded by Senator Bertsche. The motion carried.

Senator McOmber questioned if the committee should take a vote on this bill since there had not been any testimony by any representatives of the counties.

It was the consensus of the committee to hold SB 245 until the next committee meeting in order to give the counties a chance to testify if they wish to do so.

February 12, 1971

The Affairs of Cities Committee was convened at 10:30 A.M. in Room 436 with Chairman Cox presiding. Eleven members were present and two members were absent.

Chairman Cox called the meeting to order to consider S.B. 244.

Senator Lowe explained the bill. It will prevent a city from dividing construction work into small units to prevent competitive bidding. There is currently a law on the books that prohibits a city or town from spending more than \$2,500 dollars without a bid being taken. The small piece-meal work costs the taxpayer money. The bill would prevent this style of operating.

Mr. Peter Pauly, Montana Contractors Association, testified in favor of the bill. The bill would prevent the circumvention of the law.

Mr. Philip Auble, president of the Montana League of Cities and Towns, testified in favor of the bill.

S.B. 296 was then considered by the Committee. Senator Hanks and Senator Boylan could not be at the hearing. Mr. Dan Mizner, executive director of the Montana League of Cities and Towns, presented the witnesses in the Senators' absence.

Mr. Joe Gary, Riverside Country Club of Bozeman, testified in favor of the bill. The bill would require the city to furnish sewage to areas outside the city limits. This would be in addition to water which most of them already have. The areas that would be served with sewage must sign a waiver that they will not protest annexation when and if the city decides to annex the area.

Mr. J. W. Tschache, speaking for himself, testified in favor of the bill. The contiguous requirement is having an adverse effect on those that want to hook up with the city line.

Mr. Philip Auble testified in favor of the bill.

Mr. H. H. Todd, councilman from the City of Billings, testified in favor of the bill.

Mr. Mizner, again speaking for the Senators, closed the testimony.

The witnesses were thanked and excused by Chairman Cox.

The Committee then considered S.B. 244. Mr. Bennett moved that the bill "do pass". The vote was unanimous.

prescribe rules and regulations in conformity with this act applicable to any and all motor carriers.

Board shall appoint supervisor.

Duties.

Qualifications.

Term and salary.

Deemed peace officers.

Power to make inspections.

Considerations in rule making.

Rates.

Amending clause.

Discrimination prohibited.

(b) The board shall appoint a supervisor of motor carriers who shall have general responsibility to it for enforcement of the provisions of this act. The supervisor shall direct all enforcement activities in behalf of the board, including the investigation and prosecution of violations of this act or the rules, regulations or orders prescribed thereunder by the board. The supervisor shall be either an attorney admitted to practice law in the state of Montana, or a person qualified by at least five (5) years of suitable experience and training in appropriate phases of the motor carrier industry; he shall serve at the pleasure of the board and at an annual salary to be set by the board. The supervisor, and whatever field inspectors may be employed by the board to assist him, shall be deemed peace officers for the purpose of making arrests in connection with violations of this act, and issuing summonses, accepting bail and serving warrants of arrest. The supervisor and field inspectors are empowered to make reasonable inspections of cargoes carried by commercial motor vehicles and require production of manifests, bills of lading, leases and other documents relating to the cargo, routing or ownership of such vehicles.

(c) All rules and regulations in relation to schedules, service, tariffs, rates, facilities, accounts and reports shall have due regard for the differences existing between class A, class B, and class C motor carriers as herein defined, and shall be just, fair and reasonable to the said classes of motor carriers in their relations to each other and to the public. In fixing the tariff or rates to be charged by class A and class B motor carriers for the carrying of persons and/or property, the board shall take into consideration the kind and character of service to be performed, the public necessity therefor, and the effect of such tariffs and rates upon other transportation agencies, if any, and as far as possible avoid detrimental or unreasonable competition with existing railroad service or service furnished by a motor carrier."

Section 2. Section 8-104.4, R.C.M., 1947, is hereby amended to read as follows:

"8-104.4. **Rate preference, discrimination forbidden.** All rates, fares, charges, classifications, or rules of service for the transportation of property and/or persons upon

the public highways of this state must be fair, just, reasonable, and nondiscriminatory, and no motor carrier operating under established rates shall make, give, or permit any undue preference or advantage to any particular person, company, partnership, corporation or locality, or any particular description of traffic, nor shall such motor carrier subject any particular person, company, partnership, corporation, or locality, or any particular description of traffic, to any prejudice or disadvantage in any respect. *Nothing herein provided shall prevent the board from authorizing different rates or schedules of rates for service between the same places, or between different points of origin and/or destination within the same places, when such different rates are justified by the differing character of service to be rendered by the carrier to a shipper or consignee.*

Board may authorize different rates—schedules.

The board may, upon its own initiative or upon the complaint of any interested party, investigate any rate, fare, charge, classification, or rule of service contained in the schedule of any motor carrier; if the board shall find, after such investigation, that any such rate, fare, charge, classification, or rule of service is unfair, unjust, unreasonable, or discriminatory, it shall disallow the same and fix a rate, fare, charge, classification, or rule of service which shall be fair, just, reasonable, and nondiscriminatory, and it shall order the affected motor carrier or carriers to conform to such modified schedule; provided, however, that each motor carrier affected by any complaint or investigation shall first be given notice of the same and an opportunity to be heard before the board."

Investigations.

Findings.

Modifications.

Notice.
Hearing.

Approved March 3, 1971

CHAPTER NO. 183

An Act to Provide that a City or Town Shall Not Circumvent Any Competitive Bidding Procedures with Respect to the Letting of a Contract for a Public Work or Construction Project Under Certain Circumstances by Dividing a Public Work or Construction Project into Several Contracts, Separate Work Orders or Similar Devices.

Be it enacted by the Legislative Assembly of the State of Montana:

City or town may
not circumvent
competitive bidding.

Section 1. Whenever any law of this state provides a limitation upon the amount of money that a city or town can expend upon any public work or construction project without letting such public work or construction project to contract under competitive bidding procedures, a city or town shall not circumvent such provision by dividing a public work or construction project or quantum of work to be performed thereunder which by its nature or character is integral to such public work or construction project, or serves to accomplish one of the basic purposes or functions thereof, into several contracts, separate work orders or by any similar device.

Approved March 3, 1971

CHAPTER NO. 184

An Act to Allow and Regulate the Use of Dogs for Hunting Mountain Lion.

Be it enacted by the Legislative Assembly of the State of Montana:

Use of dogs—
hunting mountain
lion.

Section 1. The Montana fish and game commission shall have authority to allow and regulate the use of dogs for hunting mountain lion.

Approved March 3, 1971

CHAPTER NO. 185

An Act Relating to the Fees Charged and Collected by the Secretary of State; Amending Sections 15-22-122, 15-2384, 25-102, 87A-9-403, 87A-9-404, 87A-9-405, 87A-9-406, 87A-9-407, R.C.M., 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 15-22-122, R.C.M., 1947, is amended to read as follows:

Secretary of state
shall collect
miscellaneous fees.

"15-22-122. **Miscellaneous charges.** The secretary of state shall charge and collect:

(a) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, *fifty cents*

(\$50) per page and two dollars (\$2) for the certificate and affixing the seal thereto.

(b) For furnishing any certificate not mentioned in this or the preceding section, five dollars (\$5)."

Section 2. Section 15-2384, R.C.M., 1947, is amended to read as follows: Amending clause.

"15-2384. **Miscellaneous charges.** The secretary of state shall charge and collect: Fees.

(a) For furnishing a certified copy of any document, instrument, or paper relating to a corporation, *fifty cents* (\$50) per page and two dollars (\$2) for the certificate and affixing the seal thereto.

(b) For furnishing any certificate not mentioned in this or the preceding section, five dollars (\$5)."

Section 3. Section 25-102, R.C.M., 1947, is amended to read as follows: Amending clause.

"25-102. **Fees of secretary of state.** The secretary of state, for services performed in his office, must charge and collect the following fees: Fees enumerated.

1. For each copy of any law, resolution or record or other document or paper on file in his office, except corporate papers, forty cents (\$.40) per folio, or, if the copy is made by any process of reproduction by photographic, photostatic or similar process, the fee shall be *fifty cents* (\$.50) per page or fraction thereof.

2. For affixing certificate and seal, two dollars (\$2).

3. For receiving and recording each official bond, ten dollars (\$10).

4. For each commission or other document, signed by the governor, and attested by the secretary of state (pardon and military commissions excepted), five dollars (\$5).

5. For filing each trade-mark, five dollars (\$5); for filing and recording each assignment of a trade-mark, five dollars (\$5); and for issuing each certificate of record, five dollars (\$5).

6. For filing and recording miscellaneous papers, records, or other documents, five dollars (\$5).

7. For filing and recording any other paper not other-